

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**LABOR SAVING SYSTEMS LTD.  
d/b/a MAGNEPULL,**

**Plaintiff,**

**v.**

**DOES 1–79,**

**Defendants.**

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**Civil Action No. 4:21-cv-01389-O**

**PLAINTIFF’S MOTION TO AMEND  
AND EXTEND TEMPORARY RESTRAINING ORDER**

Plaintiff Labor Saving Systems Ltd. d/b/a as Magnepull (“Plaintiff”) files this Motion to Amend and Extend the Temporary Restraining Order (ECF No. 17) entered on February 2, 2022, and would show the Court as follows:

1. Plaintiff instigated this suit against Harbor Freight Tools USA, Inc. (“HFT”) and Defendants Does 1–79, seeking economic damages and injunctive relief for infringement of Plaintiff’s patent On December 31, 2021. ECF No. 1.
2. On January 1, 2022, Plaintiff moved for entry of a (1) Temporary Restraining Order, (2) Asset Restraining Order, (3) Expedited Discovery Order, and (4) Service of Process by Email (the “TRO”) (ECF No. 2), which the Court referred to Magistrate Judge Cureton. ECF No. 6.
3. On January 10, 2022, the Magistrate Judge entered his Findings, Conclusions, and Recommendations (the “FCR”), which recommended that the TRO be granted. ECF No. 11.
4. After the entry of the FCR, Plaintiffs filed a Notice of Dismissal, dismissing all claims against HFT without prejudice, as well as Motion to Amend the Caption to remove HFT on January 21, 2021. ECF No. 12, 13.

5. On January 24, 2022, two weeks after entry of the FCR, the Court entered an Order accepting the FCR. ECF No. 14. That same day, Plaintiff filed its Response and Objection to the FCR, which requested that the TRO reflect the dismissal of HFT by using Plaintiff's proposed caption and removing any reference to HFT. ECF No. 15.

6. Plaintiff submitted a Proposed Amended TRO to the Court, along with an updated list of the Defendants to be attached as Exhibit 1. ECF No. 15-1. Due to HFT's removal, the updated list of Defendants differed from the list provided in Plaintiff's Complaint (ECF No. 1-3), which listed HFT as Defendant 37. Thus, the numbering of Defendants 37–79 in Plaintiff's Complaint differs from the updated list, which Plaintiff provided in the Proposed Amended TRO and provides today.

7. In light of Plaintiff's timely objections to the FCR, the Court entered an Order, which withdrew its previous Order accepting the FCR and granted Plaintiff's Motion to Amend Caption. ECF No. 16.

8. On February 2, 2022, the Court entered an Order (the "Order") accepting Plaintiff's Proposed TRO changes and entering the TRO. ECF No. 17.

9. However, while the Order references the list of Doe Defendants as an attachment titled as "Exhibit 1," the Order contains no attached exhibit. *Id.* at 2 (¶3), 6 (¶5). Pursuant to the TRO, ECF No 17. at 4 (¶3), Plaintiff seeks to commence discovery via subpoena on third-party webstores where the Doe Defendants are selling infringing products in order to obtain the Doe Defendant's identities. Plaintiff's concern is that the TRO will be ineffective without the attached list of Doe Defendants and their available identifying information. *See* Fed. R. Civ. P. 65(d)(1)(C).

10. Plaintiffs have alerted Court staff to this omission but realize this Motion will better clarify and resolve the matter, as the TRO expires today. Plaintiff has already paid the bond set by the Court.

11. Plaintiff's proposed Order includes the updated list of Doe Defendants.

**PRAYER**

Accordingly, Plaintiff requests this Court Amend the Temporary Restraining Order to include the updated list of Defendants as Exhibit 1. Plaintiff further requests the Court extend the Temporary Restraining Order by 14 days to allow Plaintiff the opportunity to commence discovery on the third-party webstores with the amended TRO.

Respectfully submitted,

/s/Warren V. Norred, P.E.

Warren V. Norred, P.E.

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*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE** - I certify that a copy of the attached document was served informally to Harbor Freight by email on February 16, 2022, to its counsel, Dave Grable <davegrable@quinnemanuel.com> and Eric Huang <erichuang@quinnemanuel.com>.

/s/ Warren V. Norred

Warren V. Norred

**CERTIFICATE OF CONFERENCE** No defendant has appeared yet in this case, and therefore, pursuant to Local Rule 7.1b, undersigned counsel states that he is unable to meet and confer with the defendants and unable to state whether this motion is opposed.

/s/ Warren V. Norred

Warren V. Norred